

State of California  
California Regional Water Quality Control Board  
Colorado River Basin Region

**MINUTES OF BOARD MEETING**

June 26, 2007, 10:00 a.m.  
City Council Chambers  
City of La Quinta  
78-495 Calle Tampico  
La Quinta, CA 92253

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The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Nancy Wright at 10:10 a.m. on June 26, 2007 in the City Council Chambers, City of La Quinta, California.

**Roll Call (Board Members Only)**

**Board Members Present:**

Jeff Hays, Maurice "Red" Martinez, Richard "Rick" Post, Ellen Way, and Nancy Wright. The Board Secretary stated that a quorum was present.

**Staff Present:**

Jose Angel, Terry Barnes, Mary Castaneda, John Carmona, Jose Cortez, Kai Dunn, Abdi Haile, Theresa Kimsey, Kirk Larkin, Mohammad Nash, Robert Perdue, Cliff Raley, Jonathan Rokke, Charles Springer, Ivory Stark, Joan Stormo, Hilda Vasquez and Doug Wylie

**Others Present:**

Rosa Reagles, SCSD  
Shirley Palmer SCSD  
Tom Cannell, SCSD  
Al Kalin, Imperial Farm Bureau  
Stu Gummer, Former RWQCB 7 Chair  
Jason Wilson, USFWS  
Stanley Rouhe, SCSD  
Robert Nicklen  
Steve Bigley, CVWD  
Arlene B. Chun, Riverside County Flood Control  
Scot Stormo, Earth Systems  
Robert Edwards, City of Indio  
Al Goff, IBWC  
Scott Melvin, IBWC  
David Bradshaw, IID

Steve Charlton, IID  
Steve Pastor, Riverside County Flood Control  
Rick Webster, Imperial Valley College  
Joe Cornejo, Imperial Valley College  
Art Baggett, SWRCB Member  
Erik Spiess, SWRCB, OCC  
Tom Vandenberg, SWRCB, OCC

## **Minutes**

1. Minutes of the May 16, 2007, Board Meeting

### **MOTION:**

Maurice “Red” Martinez moved, Richard “Rick” Post seconded, and motion carried unanimously that the May Minutes be approved as submitted.

## **Public Forum**

2. No comments from the public.

## **Uncontested National Pollutant Discharge Elimination Systems Permits and Waste Discharge Requirements**

3. R7-2007-0034 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for City of Westmorland, Westmorland Wastewater Treatment Plant, Westmorland – Imperial County
4. R7-2007-0035 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for McCabe Union School District, Municipal Wastewater Treatment Plant, El Centro - Imperial County (Renewal)
5. R7-2007-0036 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Seeley County Water District, Seeley County Waste Water Treatment Plant, Seeley – Imperial County
6. R7-2007-0037 National Pollutant Discharge Elimination Systems (NPDES) and Waste Discharge Requirements for United States Bureau of Reclamation, Parker Dam and Power Plant Drinking Water Facility, Parker Dam – San Bernardino County

7. R7-2007-0038 National Pollutant Discharge Elimination Systems (NPDES) and Waste Discharge Requirements for Chateau Energy, Incorporated, Mesquite Lake Resource Recovery, Imperial – Imperial County
8. R7-2007-0025 Waste Discharge Requirements for Yashraj Hospitality Inc., Yucca Valley Hotel Wastewater Treatment and Disposal Facilities, Town of Yucca Valley – San Bernardino County
9. R7-2007-0051 Waste Discharge Requirements for California Department of Transportation, Owner/Operator, Cactus City Rest Area North/South Wastewater Treatment Facility, East of Indio – Riverside County
10. R7-2007-0052 Waste Discharge Requirements for Coachella Valley Water District, Owner/Operator, North Shore Wastewater Treatment Facility, North Shore – Riverside County
11. R7-2007-0067 Change of Name and/or Ownership of Facilities having Waste Discharge Requirements:  
05-017 - Whole Leaf, LLC, Holtville – Imperial County
12. R7-2007-0068 Rescission of Waste Discharge Requirements:  
92-028 - Lake Cuyamaca Recreation Area, Julian – San Diego County

Board Chair, Nancy Wright, pulled items 3, 4, 5, and 10 to be considered at a later meeting of the Regional Board.

**MOTION:**

Richard “Rick” Post moved, Maurice “Red” Martinez seconded, and motion carried unanimously that Board Order Nos. R7-2006-0037, R7-2007-0038 with Errata, R7-2007-0025 with Errata, R7-2007-0051 with Errata, R7-2007-0067, and R7-2007-0068 be adopted.

**Enforcement Public Hearings**

13. R7-2007-0056 Cease and Desist Order for Salton Community Services District, Salton City Wastewater Treatment Facility – Imperial County

Chairwoman Wright opened the public hearing on the proposed enforcement Order and stated that the proposed Order was a consent item and, therefore, a full evidentiary hearing was not needed. She asked whether anyone in attendance wanted to present evidence regarding the matter. Mr. Jose Angel, Assistant Executive Officer, introduced the Regional Board’s file on Salton City

WWTF into the record and in support of the proposed Order, but stated that the staff would not make a presentation on the matter. There being no additional comments or questions on the matter, Chairwoman Wright closed the public hearing and brought the question to the Board members of whether the proposed Order should be adopted.

**MOTION:**

Jeff Hays moved, Richard “Rick” Post seconded, and motion carried unanimously that Board Order No. R7-2007-0056 with Errata be adopted.

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| 14. R7-2007-0059 | Cease and Desist Order for Apple Core, Enterprises, Inc., Applebee’s Restaurant Wastewater Treatment Facility – San Bernardino County |
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To ensure compliance with separation of functions procedures instituted for this matter, Mr. Erik Spiess, SWRCB, OCC, represented the Board and the Executive Officer, Mr. Robert Perdue. Mr. Tom Vandenberg, SWRCB, OCC, who normally represents the Board and the EO, represented the Enforcement Team of Mr. Jose Angel, Assistant Executive Officer, and Mr. Jon Rokke, Regional Board staff. Mr. Rokke presented the Enforcement Team’s case. Mr. Bob Toomey, Apple Core Regional Vice-President, spoke on behalf of the Discharger, indicating that the Discharger was not contesting the proposed Cease and Desist Order. A consultant retained by the Discharger Mr. Barry Bierschbach, P.E., also spoke on behalf of the Discharger to explain the corrective actions that had been taken to date.

**MOTION:**

Maurice “Red” Martinez moved, Jeff Hays seconded, and motion carried unanimously that Board Order No. R7-2007-0059 be adopted.

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| 15. R7-2007-0064 | Administrative Civil Liability Order for Apple Core Enterprises, Inc., Applebee’s Restaurant, Owner/Operator, Wastewater Treatment and Disposal Systems, Town of Yucca Valley – San Bernardino County |
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As was done for Agenda Item No. 14, the same separation of functions procedures were instituted for this related enforcement matter as well. Accordingly, Mr. Erik Spiess represented the Regional Board and the Executive Officer, and Mr. Tom Vandenberg represented the Enforcement Team described above. Mr. Jose Angel, Assistant Executive Officer, presented the Enforcement Team’s case, explaining in detail the basis for the proposed administrative civil liability penalty of \$25,000 in lieu of the maximum liability that could be assessed. Mr. Bob Toomey indicated that the Discharger was not contesting the proposed penalty.

**MOTION:**

Jeff Hays moved, Maurice "Red" Martinez seconded, and motion carried four to one (Ellen Way) that Board Order No. R7-2007-0064 be adopted.

**TMDL UPDATE****16. Informational Update on Imperial Valley Silt TMDL Program Status**

A public hearing was held to provide an update on the status of the Imperial Valley Silt TMDL Program. Presentations on this subject were given by: Ms. Ivory Stark, Regional Board staff; Mr. Al Kalin, Imperial Valley Farm Bureau; and Mr. Steve Charlton, Imperial Irrigation District. The presentations and a Board staff report introduced into the record showed overall TMDL achievements and measures implemented and underway to comply with the TMDLs. They also showed that the farming community in the Imperial Valley was well on track regarding compliance with the silt TMDLs for the Imperial Valley. Chairwoman Wright thanked the Imperial Valley farming community for its efforts and the water quality improvements achieved to date to comply with the silt TMDLs. .

**Resolutions****17. R7-2007-0017 Expressing Appreciation to Al Goff****MOTION:**

Ellen Way moved, Jeff Hays seconded, and motion carried unanimously that Resolution No. R7-2007-0017 be adopted.

**18. R7-2007-0070 Expressing Appreciation to Charles Springer****MOTION:**

Jeff Hays moved, Maurice "Red" Martinez seconded, and motion carried unanimously that Resolution R7-2007-0070 be adopted.

**Other Business****19. Informational Update on State Water Resources Control Board Activities**

Mr. Art Baggett, SWRCB Member, reported on the various activities of interest to the Colorado River Basin Regional Board that the State Water Board is conducting. He indicated that all State Water Board member positions are now filled, and that he will be discussing with staff from the Governor's Office the need to get more Colorado River Basin Regional Board members appointed. He then briefly described several issues that the State Water Board is addressing, including the impact of Delta pumping on smelt fish; exotic species invasions; residual pesticide problems; and Stockton Channel dredging water quality issues. Mr.

Baggett also mentioned other matters the State Water Board is addressing, including a Water Rights enforcement workshop that was held the week of June 18, the status of an update on the Water Quality Enforcement Policy, storm water construction permit rulemaking, several state-wide permits, Clean Water Act Section 316(b) cooling water intake structure-thermal discharge issues, and various policies.

**20. Colorado River Basin Water Board Executive Officer's Report – RP**

The Executive Officer (EO) commended Regional Board staff and legal counsel on the hard work they did with respect to the matters considered by the Board. The EO announced that, as requested by the Board, there will be a TMDL Workshop on July 25, 2007. In addition, he indicated that two more TMDL Workshops would also be held on dates yet to be determined.

**21. Colorado River Basin Water Board Member Comments**

No comments.

**22. Colorado River Basin Water Board Chair's Report – NW**

The Regional Board Chair discussed an upcoming Chairs' Meeting in Sacramento to revise the Strategic Plan and to discuss other matters of interest to Regional Board Chairs.

**Closed Session**

23. No closed session was held.

**Arrangements for Next Board Meeting**

Date: September 19, 2007

**Adjournment**

The meeting adjourned at 1:10 p.m.